

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAMION D. WHITAKER,
Plaintiff,

v.

**YEADON TOWNSHIP POLICE
DEPARTMENT, *et al.*,**
Defendants.

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CIVIL ACTION NO. 24-CV-1389

ORDER

AND NOW, this 19th day of August, 2024, upon consideration of Damion D.

Whitaker's Motion to Proceed *In Forma Pauperis* (Doc. No. 4), Prisoner Trust Fund Account Statement (Doc. No. 5), and *pro se* Complaint (Doc. No. 1), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Damion D. Whitaker, #QA-4318, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Superintendent of SCI Dallas or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Whitaker's inmate account; or (b) the average monthly balance in Whitaker's inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Whitaker's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding

month's income credited to Whitaker's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Superintendent of SCI Dallas.

4. The Complaint is **DEEMED** filed.

5. Whitaker's Complaint is **DISMISSED WITHOUT PREJUDICE** for the reasons stated in the Court's Memorandum.

6. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ Karen Spencer Marston

KAREN SPENCER MARSTON, J.